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THE OPINION



Vol. 24:6

STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW

December 1, 1983

Holtzman Talks on Danger of U.S. President's War-making Power

by Wendy Cohen

District Attorney Elizabeth Holtzman spoke on the topic of constitutional limitations to the President's war-making powers in the Moot Court Room at U/B Law School on November 14th.

Law School Professor Marjorie Girth introduced the former Congresswoman, who in 1980 was elected Kings County (Brooklyn) District Attorney, as a woman "who never gives up when tasks are hard." Ms. Holtzman represented the 16th Congress-

sional District in Brooklyn in the U.S. House of Representatives from 1973 to 1980, before leaving to become New York's first Democratic female nominee to the Senate. Ms. Holtzman appeared at the invitation of the Women Law Students Association, and as part of the continuing Mitchell Lecture series.



photo by D. Rynders

Brooklyn District Attorney Elizabeth Holtzman

"Why pass a law saying that the law applies? The law is the law is the law."

the Legislature's powers to check the Executive's war-making powers had eroded. Ms. Holtzman warned that if Congress continues to acquiesce in the President's usur-

pation of war-making authority, America will be in danger of becoming involved in another Vietnam-type situation.

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Hyman Wins Jaeckle



Professor, and former Dean, Jacob Hyman

Campus.

Dean Hyman is the first non-alumnus of the Law School to receive this honor. Perhaps more than any other person, Dean Hyman has been a major force in the Law School's growth and improved academic standing, making the Law School one of the top twenty in the nation. "Jack" Hyman is also held in great esteem by the Law School's alumni for his warmth, humanity and dedication to the education of his students.

The award to Dean Hyman was part of the Eighth Annual Convocation Program on "Retirement Basics." The program, also in the Center for Tomorrow on the SUNYAB Amherst Campus, was designed to provide simple, easy-to-use tools to help lawyers in general practice make important decisions about their own financial planning and provide answers to their clients' most common questions concerning retirement plans.

Jacob Hyman, former Dean and professor at the Law School for 37 years, is the 1983 recipient of the Edwin F. Jaeckle Award, the highest honor conferred by the UB Law Alumni Association and the SUNYAB Law School. The award was presented to Dean Hyman on Saturday, November 19, 1983 at a luncheon in the Center for Tomorrow on the SUNYAB Amherst

SBA Cuts Opinion Publication Budget

by Mary Ellen Berger

On Thursday, November 10, the SBA approved a motion to reduce *The Opinion's* SBA-allocated publication budget by \$2400 and to transfer that sum of money into the SBA's "unallocated" funds.

The SBA's action was the culmination of negotiations begun last October between the SBA Finance Committee and members of *The Opinion's* editorial board. At issue was

the existence of a checking account independently maintained by *The Opinion* and accrued over the years from advertising revenues. This checking account was not taken into consideration at last Spring's SBA budget hearings or when *The Opinion's* budget was subsequently approved by the SBA. The SBA's action in reducing *The Opinion's* allocated budget is a measure to remedy this oversight.

The Aftermath of Vietnam

Ms. Holtzman's discussion focused on the danger of allowing the President's power to wage war to go unchecked, particularly in light of the Vietnam conflict in which thousands of American soldiers lost their lives although war was never officially declared by Congress. Prior to the Vietnam conflict,

Kaplan, Gottlieb Triumph



photo by J. Curran

1983 Desmond Finalists: Bruce Kaplan, Richard Gottlieb, Steve Sugarman, Susan Schultz-Laluk

by Wendy Cohen

The 1983 Desmond Moot Court Competition came to a close on Saturday, November 12, as second-year students Richard Gottlieb and Bruce Kaplan prevailed in the Final rounds before a bench which included former Chief Justice of New York Court of Appeals Charles Desmond, for whom the competition is named.

The five-judge panel for the Desmond Finals was comprised of Chief Justice Desmond, Senior Associate Justice of the Court of Appeals Matthew Jasen, Chief Justice of the Fourth Appellate Department Michael Dillon, Legal Services Attorney Rose Sconiers, and Associate Dean John Henry Schlegel. The panel chose the team of Gottlieb and Kaplan as prevailing over finalists Steve Sugarman and Susan Schultz-Laluk in a close decision.

Judge Desmond announced the decision of the bench to the finalists and spectators who filled the Moot Court Room, taking the opportunity to praise both the finalists and

the U/B Law School Moot Court Competition, which he finds superior to other law schools' moot court competitions. Judge Desmond remarked, "Invariably, the finalists here are at least up to the average standards of lawyers in appellate courts."

Commenting on the finalists' performances after the decision had been announced, Judge Dillon said "I graduated from this school in 1951, and

and that the main thing to remember is to "keep your composure."

Fifty-nine teams entered the Desmond Competition this year, and each team was required to argue in three preliminary oral rounds. Eight quarterfinalist teams were then selected on the basis of combined oral scores in the three preliminary rounds, and team brief scores. In the quarterfinal rounds, Terri Foster and Stephen Schop argued against Rich Gottlieb and Bruce Kaplan; Mary McManus and Susan Hellerman argued against Cynthia Lenkiewicz and Emily Kern; Mark Mulholland and Kevin Szanyi argued against Steve Sugarman and Susan Schultz-Laluk; and Steve Berkowitz and Seth Sahr argued against Alan Ross and Edward Markarian.

The winners of the quarterfinal rounds went on to compete in the semifinals, where the teams of Ross and Markarian faced Sugarman and Schultz-Laluk, and Lenkiewicz and Kern faced

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Editorial

Inappropriate Remedies

On November 10, 1983, S.B.A. passed a motion which reduced the printing budget of *The Opinion* by \$2,400.00. This motion was passed in the "usual" S.B.A. fashion—notifying the Editor-in-Chief less than two hours before the meeting began, and completely failing to notify both the Business Manager, who oversees the finances of *The Opinion*, and the Managing Editor.

The Opinion has been subjected to the relentless accusations of impropriety by the current SBA administration. "Guilty until proven innocent" appears to be the new catch-all phrase for the SBA's political leaders, at least where this newspaper is concerned.

The current issue deals with the existence of a "hidden" checking account which *The Opinion* has handled independently of the SBA budget lines. This checking account was created several years ago as an alternative to the predictably slow and inefficient voucher system filed through the SBA Treasurer and Sub-Board I. The account allows *The Opinion* to meet immediate printing expenses, purchase office supplies, and retain an active credit account with a photography service (no, the paper does not have a darkroom.)

Apparently, certain members of the SBA feel that this account is an evil thing—it is money that is not under the direct control of the SBA, thereby creating an atmosphere of independence in the day-to-day activities of *The Opinion* (a "dismal" prospect for a newspaper which opens its forum to the students, by the students, for the students).

A more serious problem arose, however, when it was realized that the paper's former Business Manager did not reveal the true size of the account to the Finance Committee during the Spring, 1983 budget hearings. Mr. Bolz reported that *The Opinion* had net revenues of \$400 in advertising. What he failed to mention was the fact that the checking account had an opening balance of \$3000, thus giving *The Opinion* a current balance of \$3400 and change at the time of the SBA budget meetings. Although disturbed by this conduct of my predecessor, I am as equally disturbed by the fact that the then-SBA Treasurer Greg Phillips, did not demand and examination of *The Opinion's* checking account statements or, if he knew of the actual account balance, did nothing about it at the Spring budget hearings.

Perhaps this is merely an opportunity for the SBA to flex its political muscle. Perhaps the memory of Dippikill has been resurrected, and certain members of this administration thirst for vengeance. In an editorial which ran several weeks ago, (*The Opinion*, 24:3) the editorial staff of this paper warned you, the students, to be aware of any signs of SBA authority being unduly exercised. Do not ignore such warnings!

The Opinion is a law student newspaper, funded by law student activity fees. Our purpose is to represent your interests, provide you with a reliable and quality service, and supply a channel for the expression of independent ideas—ideas independent of the norm (or so we are told), independent of the Administration, and independent of the SBA.

Bob Cozzie

Letters To The Editor

Opinion Stance on Grenada Resolution Argued Pro and Con

Pro-SBA

To the Editor:

This letter is in response to the November 9th editorial, "Out of Bounds." We feel this letter is necessary because, as in the past, *The Opinion's* Editorial Board is criticizing SBA actions and authority in the conduct of its affairs.

The editors initially challenge the representative capacity of the SBA Board to adopt resolutions which speak on behalf of the law student body. The SBA Constitution clearly authorizes the SBA Board to both represent the student body and to pass resolutions. Article IV, section 1, states that "(t)he Board of Directors is the representative student governing body of the SBA." Therefore, when the SBA Board acts it does so in its constitutionally designated capacity. The Constitution further empowers the Board to pass resolutions not inconsistent with the Constitution or any rules promulgated thereunder. (Article IV, Section 1, Subsection j). There is nothing in the Constitution or By-laws limiting the subject matter or resolutions.

The Opinion asserts that the discussion at the meeting focused on a political issue inappropriate for the SBA to address. The basis for the introduction of the resolution was U.S. violation of international law, not national politics. The discussion centered on the legality of the action, in light of the relevant treaties and agreements cited in the resolution. As law students we have a right, indeed a responsibility, to debate and discuss legal issues.

The editors further criticize the resolution as "lacking in factual backing" and the SBA for failing to support its "allegations" with citations to authority. This was a resolution, not a brief. Black's Law Dictionary defines resolution

as, *inter alia*, "a formal expression of the opinion or will of an official body or a public assembly, adopted by vote... Such is not law but merely a form in which a legislative body expresses an opinion."

The resolution followed a teach-in on the invasion which was co-sponsored by the SBA. Three panelists, all international law scholars, concluded that the U.S. invasion of Grenada was a violation of international law. Their arguments were sufficiently convincing to persuade many board members, though perhaps "international law novices," of the illegality of the act.

We agree that the teach-in was a "newsworthy event." It certainly warranted more coverage than the three photographs and two sentence caption allocated by the paper. Unfortunately, the coverage the teach-in received was typical of *The Opinion's* shallow and selective coverage

of law school activities.

We would like to reiterate that SBA meetings are open to all, and that information pertaining to SBA functions is posted in the mailroom and on the SBA door. Finally, we would like to encourage *The Opinion* to make good on its commitment to attend and cover each SBA meeting.

Eric Turkewitz
Second Year Director, SBA

Jill Paperno
Third Year Director, SBA

Gregory T. Phillips
President, SBA

Heidi Siegfried
First Year Director, SBA

Judy Olin
Vice President, SBA

Anne L. Carberry
Third Year Director, SBA

Anthony M. Torres
First Year Director, SBA

Kathy O'Hara
Third Year Director, SBA

To the Editor:

I could hardly believe my eyes as I read your November 9th editorial condemnation of the Student Bar Association's resolution against the American invasion of Grenada.

For reason you stated that, though the SBA's general declaration of U.S. legal violations was probably accurate, the resolution should have been more factually argued. Furthermore, you thought that in any case the SBA had no right to speak for law students in non-university related political matters. You closed defensively by assuring readers that your editorial board had not yet decided whether the invasion was "justified"—you were merely raising these very important procedural points.

For a journal of legal opinion, your position is shocking, even reprehensible. You admit that the U.S. probably did violate international law, yet you have not decided if the in-

vasion was justified. Is this to say that you think the United States has the right to violate international law?

I assume, since you chose not to explain yourselves, that you are referring to the possible danger to American medical students in Grenada. Even allowing a U.S. right to protect its citizens abroad through military force—and this is a great allowance indeed if we are to have any basis at all for international law—how can you justify the takeover of the entire nation? The medical school was secured on the first day of the invasion; as President Reagan and U.N. Ambassador Jeane Kirkpatrick informed us somewhat later, however, the U.S. government had a second aim: to install our idea of democracy in Grenada. Is this justified under any circumstances?

The procedural points you raise about the SBA resolution are nonsense. Resolutions are rarely written, as you seemed to imply, like a legal brief. They are generally intended as finely-phrased rhetorical declarations. In any case, the style of the resolution is a laughable sophomoric reason for editorializing against it. Your other major objection was that the SBA should not speak for the political opinions of all Law School students. It is only you who say that they are. The Grenada resolution was clearly marked at the position of the Student Bar Association only.

Given your specious arguments against the resolution, and the sad absurdity of your failing to condemn the invasion (given the extensive U.S. legal violations committed—both the U.N. and OAS charters and the War Powers Act were controverted), I can only conclude that the editorial board of *The Opinion* is made up of closet conservatives too cowardly to proclaim their support for the invasion in the face of an unsym-

Confine Editorials To Op-Ed Page

To the Editors:

After reading your response to Rick Moore's letter (Nov. 9), I feel compelled, as a wistful writer and unrelenting idealist, to offer my own journalistic credo.

I wholeheartedly agree that newspapers should commit themselves to a policy of publishing diverse points of view. At the same time, I believe editors should be uncompromising in their efforts to assure that the opinions and editorials are confined to op-ed pages. If a shortage of copy requires that some of the subjective pieces be printed on the pages ordinarily devoted to the more objective "news" articles, certainly an explanatory subhead, such as "Guest Editorial" or "In My View" or "Don't Mind Me," is in order.

Assuredly it is impossible to achieve totally objective journalism; the opinions of the author are manifest to some extent in even the driest articles. Nevertheless I am convinced that the one thing good news writers and editors can do is strive to be objective, however unreasonable the goal. When the third sentence of the lead article of an edition begins, "the self-righteous, confrontationalist, idealistic attorneys...." I can't help but feel that someone on the masthead isn't trying.

Hoping you survive yet another "attack on (your) editorial legitimacy which neither fill(s) space in the paper nor address(es) the issues that the questioned article raised," I remain,

Yours,
Bill Maffucci

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ILS Condemns Grenada Invasion As Illegal

by Chrys Vergos

A few weeks ago, amidst the controversy surrounding the Student Bar Association's Resolution on the invasion of Grenada, the International Law Society was asked to give its views on the issues of international law involved in the issue. We feel we are not qualified to comment on those portions of the Resolution dealing with the 1973 War Powers Resolution or the authority of the Student Bar Association to issue the resolution in the first place. Thus, we will venture no opinion on these matters. What we wish to do, however, is clarify the issues of international law pertinent to any discussion of the crisis in Grenada. Additionally, we do not pretend to be experts on the subject, nor do we intend this memo to be viewed as exhaustive on the topic.

The SBA Resolution states that the United States has violated the Charters of both the United Nations and the Organization of American States by intervening in Grenada and further, that the exception of humanitarian intervention is not applicable here. These allegations, we believe, are well founded and have strong support in international law. Therefore, we are in agreement with Paragraphs 2, 3, and 4 of the SBA Resolution

and wish to offer our reasons for being so.

The United States has accepted the Charters of both the United Nations and the Organization of American States. Both these instruments—and we might add here that international agreements such as there are recognized to be the most important sources of international law—place an obligation upon the signatory states to refrain from intervention in the affairs of other sovereign states.

Article 18 of the OAS Charter states that, "no state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state." It continues, "The foregoing principle prohibits not only armed force, but also any other form of interference or attempted threat against the personality of the state or against the personality of the state or against its political, economic and cultural elements."

The United Nations Charter, the earlier document of the two, states, in Article (4), that, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity of political independence of

any state, or in any other manner inconsistent with the Purpose of the United Nations." Particular attention should be paid to the wording of this passage. Non-intervention is not intended to be solely a goal of the international community if credence is given to the language employed here. The words very strongly suggest that non-intervention is a rule of international law, one imposing an obligation upon signatory states. Had it been meant to be otherwise, the word "should" could have easily replaced the word "shall".

It should not be surprising then that the principle of non-intervention has often been singled out as the single most important foundation of the international legal system. In the Declaration of Principles of International Law Concerning Friendly Relations and Cooperation among States, a document generally accepted as the official interpreter of the UN Charter, the United Nations General Assembly strongly reiterated the importance of this fundamental rule of international law. It states, "No State or group of states has the right to intervene directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other state. Consequently, armed interven-

tion and all other forms of interference or attempted threats against the personality of the state or against its political, economic and cultural elements are in violation of international law."

Turning to the question of humanitarian intervention it should be kept in mind that the doctrine is a controversial one and many international scholars discount the application of it at all. The arguments against humanitarian intervention are usually based upon the inviolability of state sovereignty. Even among those who accept the legitimacy of the doctrine, it has been narrowly construed to balance the often-conflicting interests of sovereignty and humanity. Two words should be kept in mind when attempting to make a determination of whether or not the doctrine applies—sovereignty and excess. It seems that the latter is required in order to override the interests of the former. To define humanitarian intervention, we may say that it is the "reliance upon force for the justifiable purpose of protecting the inhabitants of another state from treatment which is so arbitrary and persistent and abusive as to exceed the limits of what authority within which the sovereign is presumed to act with reason and justice."

The excuse of humanitarian intervention is easily invoked to disguise political grounds for intervention. The idea of a totally disinterested intervening state may be an unrealistic expectation, but humanitarian reasons should be, if not the sole motive, the principle motive for intervening.

A favored ground for intervening is the professed protection of a country's own nationals. Interestingly, history shows that in the 150 years preceeding the year 1928, the United States was exceptionally fond of invoking such a rationale. So fond, in fact, that it was invoked not fewer than 100 times. The question which must be answered here is—was the principal ground for US intervention humanitarian and was the need to evacuate our nationals really apparent before we actually invaded the island? Did our transgression of international laws in intervening in Grenada simply provide us with a subsequent rationale?

In concluding, we would like to further state that even in light of the flack the SBA has gotten for passing its resolution, we applaud the members of this body for their concern over a vitally important issue and the effort they directed towards doing something about it.

Letters To The Editor

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pathetic readership.

Perhaps I will give vent to my outrage by coming up and taking over your offices. It is possible that some court, if its judges are people like yourselves, may ignore the legal issues involved and rule that your editorial transgressions transform my act into something "justified."

Reg Gilbert

Anti-SBA

To the Editor:

The Student Bar Association's Resolution on the U.S. Invasion of Grenada, reprinted by this paper in the November 8, 1983 issue, surprised me, but not much. When I hear phrases such as "moral foundation" and "high standards", I usually reach for my wallet (as L.B.J. used to say); when I see them printed in student publications, I simply sigh and wish for a lighter topic.

As a third year student, I wonder that the people in a relatively insignificant organization find the time, and the audacity to pass resolutions such as these. Far easier to pass resolutions than to do a good job at balancing budgets (let us not forget the SBA-sponsored junket to the mountains last year, when they diverted monies for their own pleasures). Again, I wonder that these fine "representatives" presume that we elected them to do anything more than look at budgets.

The SBA did not speak for me when it published that resolution. And aside from the *ultra vires* character of the act, to

which they should have appended their individual signatures, I disagree with their political conclusions.

The SBA resolved nothing more than a failure of will. We know, or believe, that it is wrong to put people up against walls and shoot them without notice (law students wrote that Resolution, did they not?). We know, or believe, that it is self-defense to save fellow citizens/students who are in danger. We also know that the people of Grenada welcomed the American troops. And finally, we know now that the constitutional head of Grenada invited the troops in.

We might also consider the editorials of the *Wall Street Journal*, which two weeks ago reflected that aside from international lawbook scholars, the nation overwhelmingly supported the military action; and the next day, after a symposium of such types was held, said they weren't surprised at the predictable result.

Legalities are wonderful things. But sometimes, as the critical legal studies people here occasionally like to say, legalities can obscure the reality. In the mouths of innocent young students, legalities fade to mere rhetoric, as they did in

that Resolution. That vacuous Resolution should never have been published.

Alan J. Bozer

Dear Editor,

In response to the SBA resolution condemning the U.S. invasion of Grenada, I am deeply disturbed that the SBA has taken it upon themselves to even think that they have the authority to condemn or condone any non-law school related event or activity. What we have simply is an SBA that is out of control, reacts by emotion rather than reason, accommodates its own views rather than the views of the student body, and has somehow given itself the impression that it is more important than it really is.

The arrogance displayed by the fifteen members of the SBA who voted for the resolution is gigantic when one considers that not one SBA representative, including the officers, questioned the propriety of such an action, except the initiator of the resolution who was playing a gallant devil's advocate. It is as if the SBA ramrodded this resolution

down the throats of the law school student body.

When I asked Eric Turkewitz, a second year representative who was the author of the resolution, about his motivation for writing such a resolution, his response to me was something to the effect that everything that the U.S. does affects law students and since international law was involved it was even more imperative that the young soon-to-be lawyers speak out on such issues. To Mr. Turkewitz I suggest that any foreign policy decision affects all citizens and that is why the U.S. government makes it, and international law is not violated until the World Court says that it is. The resolution reeks of assertions and irresponsibility. One wonders whether Mr. Turkewitz's real reason for this resolution was to impress the "liberals" on the board with his "deep concern." However, Mr. Turkewitz has proceeded to bastardize his own importance vis-a-vis the student body of this law school. (To his credit, though, I must compliment Mr. Turkewitz on the fact that he is at least a doer, and felt compelled to act on a matter that obviously troubled him.

Taken in its broader context, the passage of this resolution is merely another example of how the SBA has become a self-serving, leftist, pseudo-political forum that has elevated its imagined role into some type of "policy making body." Instead of concentrating on such things as efficiency of expenditures, financial management, and organization of social events, the SBA has deviated to the point of miring every thing it does in politics.

It is unfortunate that the powers within the SBA have chosen such a path, especially when some of the representatives do obviously want to work hard to make this law school a better place for all law students, not only the law students that see the world through the same glasses that the powers do.

In the future, if members of the SBA feel that they must express their views on a particular American policy matter, may I suggest to them that they write a letter to the appropriate official[s], and sign their OWN names to it.

Thank-you,
David Cass

Second Year Law Student

SBA Grenada Resolution Hotly Debated...

—Commentary—

SBA Overstepped Its Constitution

by Ted Araujo

The most controversial issue to be debated by the SBA in this student's history at this university is the Grenada Resolution. The controversy centers around the legitimacy of the SBA's interpretation of its constitution. There are two schools of thought regarding

this interpretation.

The term "but not limited to" Art. IV (1), along with the provision that the SBA may pass resolutions Art. IV (10), has been interpreted by the SBA as a grant of unrestricted power and authorization through the electoral process, which allegedly legitimates the SBA as our school spokesper-

son on all issues. The consensus of the SBA is that all goings-on in our complex world affect us as students and hence as people. Therefore, any issue, whether it be library policy, academic affairs, invasions, abortion, parties, studying, (ad infinitum), comes within that organization's allegedly legitimate circle of

concern as our student representatives. This is the purported constitutional basis for the resolution.

I, however, would much more narrowly interpret the terms and powers granted by the SBA constitution. The powers granted to the SBA are, of necessity, of a limited

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SBA Works on Constitution & Town Meetings

by Greg Phillips

I had been worried that my failure to submit a "President's Corner" article for the last issue of *The Opinion* would leave the paper short on SBA news. Happily, this was not the case. The last issue was packed with SBA news, from the resolution against the U.S. invasion of Grenada and an editorial on the same subject, to updates on the committee town meetings and a lengthy letter on a funding issue. I was glad to see SBA so active and involved. Whatever can be said about the pros and cons of the SBA's Grenada resolution, at the very least it focused attention on the SBA's Board of Directors and its actions. The first meeting of the Board after the resolution was attended by more than a dozen non-Board

members. I hope this interest continues to grow.

One new idea that has worked fairly well this semester has been the holding of lunchtime town meetings to provide student members of the various Student-Faculty committees with input and student opinions on the issues before the committees. The format has been to introduce the committee members and open up the floor for general discussion. Beverages have been provided by SBA. These meetings will continue next semester with the Special Program and Library committees, among others, on tap. Thanks to Judy Olin and Tom Bantle for organizing, and to the committee members for attending and listening.

The SBA Rules Committee has also been active this

semester and is looking into revising and improving both the SBA Constitution and by-laws. Some clauses and by-laws are no longer necessary, and the Constitution doesn't directly address some important areas, including, for example, constitutional amendments. The aim is to improve the Constitution in order to make it clearer and more workable.

A Student Union

Another area that is being looked into is the possibility of the SBA Board of Directors coming out in support of the Capen-Norton-Talbert plan for a Student Union on the Amherst campus. We have invited one of the plan's main proponents, Peter Hirshman, to address the SBA, summarize

the main features of the plan, and bring us up to date on its status. The central feature of the plan is to utilize the existing central buildings on the Amherst spine as student activity space by clustering student offices, university services and eating facilities along a central "boulevard" in the buildings. I personally believe that Law students will directly benefit from a plan such as this one to make student life here at U/B more vital and interesting.

Congratulations to Rich Gottlieb and Bruce Kaplan, the 1983 Desmond Moot Court champions. Congrats also to runners-up Steve Sugarman and Sue Schultz-Laluk and all the other competitors. A tip of the hat also to Dan Pease, Director of Moot Court, and his able group of Board members who wrote the problem, scored the briefs, and put together another fine competition.

I'd also like to recognize the Association of Women Law Students and the Mitchell Lecture Committee for bring Elizabeth Holtzman to the law school on November 14. The former Congresswoman spoke to a large audience about the constraints the War Powers Resolution puts on the President's war-making powers. Those on hand were treated to

a timely discussion by an excellent legal mind. Thanks should go to Professor Girth for insisting on holding the event in the Moot Court Room.

Intramurals

Finally, a note or two of the law school's more outstanding (for once I'm not going to mention the Cylindrical Devices), intramural teams. The Law School's entry in the U/B Soccer league, with the unlikely name Sir Lawrence of the Meadowlands, is again at the top of the league. Following an undefeated regular season, this Steve Baxley-coached juggernaut is expected to sweep through the play-offs. By the time you read this, SLM should already be league champs.

In the U/B intramural ice hockey league, the Law School's entry Advocates on Ice has put together a string of victories and should challenge for the league title. Al Bozer's team has combined balanced scoring and steady goaltending, and looks ahead to next week's showdown against the Medical School's team. The game will be Monday, Dec. 5 at 9 p.m. at Sabreland on Niagara Falls Boulevard. See you there.

That will have to do for now; good luck on finals.

Commentary on SBA Moves

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nature. We, as a group of law students, could not authorize the SBA to promulgate and enforce laws. We, as citizens and students, are under the legitimate regulatory powers of our university system, state system, and federal constitution. Thus, at least our SBA is precluded from passing laws regarding our social and civil behavior.

What can the SBA do under the authorization of its constitution? This is the question which we all must confront. As it stands now, the SBA feels that it is its legitimate purpose to represent us wherever it sees fit. I would agree that the SBA has the right to charter and fund student organizations, provide suitable office space for those organizations, and deal with the daily funding concerns of those groups. I disagree with the SBA when it

asserts that it may represent the political and professional aspirations of the students of this university. Unfortunately, there are no controls on the SBA.

If the SBA wants to read its constitution broadly, then it can claim exorbitant powers far beyond those powers which I believe are enumerated in the constitution. There is, however, a solution to such broad interpretation.

A by-law has been proposed, and subsequently revised to accommodate attendant administrative problems, which would require notice of specific "special" resolutions (such as that on Grenada). I believe this is a valuable step in the direction of student democracy. If you want to have more direct control of the particular resolutions that SBA will pass in the future, come to the meeting at 3:45 TODAY, to

show support for the amendment.

OTHER SBA NEWS concerns Rob Turkewitz, our A.B.A. representative who received funding for his trip to Atlanta. His total cost was \$546.43, and at the Nov. 17 SBA meeting he was given \$75.00 towards his expenses by SBA. Consideration was given to the fact that 25% of the student body now belongs to the A.B.A. which sponsors a number of events which Mr. Turkewitz can explain to you. (Dean Schlegel has promised to reimburse R.T. for the other expenses from university funds. Good deal, Coach.)

Some groups are still in violation of By-Law 13. If yours is one of them, or if you belong to one of them, get to an SBA meeting or suffer the consequences.

Sue Kozinn gave a rousing presentation on the Buffalo Consumer Mediation Service at the Nov. 17 SBA meeting. I urge all students to consider working with Sue and that organization. As a practical matter, most of an attorney's time is going to be spent consoling or cajoling clients and adversaries. This program offers invaluable experience in these areas of expertise. (The BCMS' association with the "BBB", Buffalo Better Business Bureau, can't hurt those who will remain in Buffalo.)

The social committee, represented by Jill Paperno, is gearing up for a fun-filled February, starting with the Three Coins spectacular. How about the parties in the audience giving Jill a hand with the preparations?

And finally, ending on a somber note, the SBA learned that future changes in library policy could result in: 1) loss of loan privileges for Law students; 2) problems concerning periodicals circulation; 3) loss of flexibility in using materials due to the new bar coded IB's, (including loss of proxy privileges and loss of the ability to renew materials by phone). If you're concerned about the Law School's autonomy within the University system, voice your concern today at the SBA meeting!

Emotional Plea For Death Penalty

by David A. Cass

I did not know Ann Pfreundschuh, but she is dead now, brutally murdered on November 8, 1983, in her student apartment. Friends had described her as being the woman who "always had a smile on her face." Unfortunately, that smile is no more, she is now dead.

Ann Pfreundschuh was a 21-year-old college student attending Pratt Institute in the Fort Greene section of Brooklyn. She had dreams of one day becoming a successful commercial artist. After all, Ann was to graduate in May '84 with honors.

Pictures of Ann indicated, at least to me, an attractive woman who seemed sort of "ordinary" in that everyone knew someone else who looked like her. Father Michel Perry, Pratt Institute's chaplain, said that, "[Ann] came to chapel often," and had come from a "devout" family with a "very deep faith." Further, Father Perry described Ann as a woman who wrote for the school newspaper and who was generally shy, conscientious, and sensitive. She was a "regular" person that all of us could identify with. She had a few friends, many acquaintances, and dated occasionally. Yet, Ann was murdered. Murdered in such a heinous, wanton manner that it literally pains me to understand the reality of it.

On November 8, 1983, Ann was at her home for unfortunately all of the day. At 4:30 p.m., Ann's roommate Lauri

Wance left the apartment building to go shopping and had hoped that Ann would accompany her. Ann did not. Rather, Ann decided to stay at home and cook dinner. Two men, (who have since confessed to the murder), Carlton Brown, 19, and Anthony Wright, 18, had been observing the apartment building over the last few days and were waiting for some type of clue to see who was most vulnerable. When Lauri left, they knew that Ann would be.

The two men went into the apartment building at approximately 4:45 p.m., up one flight of stairs and rang the bell to Ann and Lauri's apartment. Ann presumed that it was Lauri, who had just left, and opened the door. The two men pushed the door in with such force that Ann fell to the ground. Wright grabbed her and started beating her, as Carlton, who was soon to join him, turned up the stereo. Detective Anthony Vechi, the lead Detective assigned to the case, said that Ann was beaten up "real bad" and that she was bleeding profusely from her ears, mouth, and nose for approximately 20 minutes on the living room floor. Her five foot two inch frame was no match for the two men who were each approximately six feet, two-hundred pounds.

One must stop at this point and try to comprehend the events which have occurred hitherto. Try to feel and think about this girl, the normal departure of Lauri at 4:30 and the normal events that precede dinner preparation. Picture the

continued on page 6

Buffalo Law Review Welcomes Articles

The Editorial Board of the *Buffalo Law Review* reaffirms that it is interested in receiving papers of outstanding quality written by students who are not members of the Review. Members of the Board believe that the Review is obligated to provide a forum for all students of the law school who desire to publish. This is not a new policy of the Review: neither of the two student articles in the next issue was written by an associate member. One of the articles was a seminar paper; the other is a result of research funded by the Sea Grant Program.

In the future, the Board does hope to publish a higher percentage of student work and fewer professional articles. These student works need not be written under the supervision of a faculty member. Indeed, it is the Review's intention to foster a greater degree of academic freedom through the encouragement of student articles which articulate independent views. The Review

will lend its utmost support to the refinement of submitted articles; however, it will not undertake to edit the views expressed by the student author.

To be considered seriously for publication, a paper must meet the same standard which associate members of the Review face for promotion: the paper must be "substantially publishable" when submitted for editing. Publishable drafts must meet, at minimum, a number of criteria, including (1) traditional standards of research; (2) fully developed analysis; and (3) substantially free of major flaws in grammar or style.

A substantially publishable draft may require a number of rewrites. Rewriting can include further research and "bluebooking" the footnotes, which must be well-developed.

The Board will compare submitted articles to the above standard and, ultimately, to other drafts. If you have any questions, please feel free to stop in at the offices of the *Buffalo Law Review*, 605 O'Brian Hall.

Desmond Competition...

continued from page 1

Gottlieb and Kaplan. The two triumphant teams then faced each other in the finals.

The finalists all agreed that the Desmond Competition was a worthwhile experience. Steve Sugarman commented: "The Desmond was probably the most valuable practical experience that I've had in law school. I think everyone should participate, because of the way it develops your skills."

Steve's partner, Susan Schultz-Laluk added: "Despite the problems with library materials and such, I felt that everyone in the Competition was trying to do their best. We received a lot of support, from both the Moot Court Board and from the other teams, and it felt really good."

New Waves

New Music Network: You Had to be There

by Jud Weiksner

If you weren't at Media Study on Friday Nov. 4, you missed two of the year's most unusual musical performances. The Harmonic Choir and David Von Tiegham were invited to open the New York State New Music Network, co-sponsored by the art gallery, Media Study, and U/B's Music Department. They challenged, amused, and pleased their listeners with music that ranged from a hum to a roar.

If you've never been to Media Study, you owe yourself a visit. It's an old hotel at 207 Delaware Avenue that's been converted to a workplace and performance center for the arts. The swimming pool has been drained, the ballroom is now a soundstage, and other rooms have become studios and offices of various sorts.

The Harmonic Choir, a six-member ensemble (though I only counted five that evening), performed "harmonic music" at poolside. This music has Mongolian and Tibetan influences. Try whistling and humming at the same time and you'll approximate the sound. Really, try it. Now imagine five people doing that in an echoey, candle-lit pool room. Eerie stuff.

According to Joel Sach's program notes, the singers are not just humming along and whistling Dixie. They "produce a fundamental tone and then, by extremely precise modulation of the abdominal muscles, chest, and vocal apparatus... project simultaneously a higher tone or tones, related in frequency to the fundamental tone by simple whole-number ratios." However they do it, it's spellbinding at first, but can become a bit repetitious to the untrained ear after 45 minutes or so. Good to meditate to, though. The Choir was well received by the very artsy crowd.

After an intermission, the audience trooped into the soundstage to see and hear David Von Tiegham. The transition from The Harmonic Choir to Von Tiegham is like going from an immersion tank into a kitchen full of kids. At

Commenting on their win, Rich Gottlieb said: "The Competition was very tough, and we didn't know until the last second that we would be the winners. We gave it our best shot, so win or lose we would have been proud of our performance."

Bruce Kaplan, joking that one thing he had gotten out of the Competition was "ulcers," remarked: "Winning isn't everything, but it feels pretty good." He added, however, that it should be remembered that the Competition was very close.

Members of the Moot Court Board were also pleased with this year's competition. Judy Gerber remarked: "The beauty of this year's moot court problem was that it gave participants the chance to explore

in detail substantive issues, so that the final round did not rest on whether they looked good or spoke well, but on how well they reasoned."

Moot Court Board Director Dan Pease also commented on the complexity of this year's moot court problem, stating: "It's a great tribute to the competitors that they could handle such a complicated fact pattern so well." Dan added that on behalf of the Board, he would like to thank everyone who helped out during the Competition.

An awards dinner was held after the final round of the Competition, and awards and certificates were given to the finalists, the teams with the highest brief scores, and the individuals with the highest oral scores. Best Brief Awards as announced were:

First Best Brief-Steve Sugarman and Susan Schultz-Laluk
Second Best Brief-Richard Gottlieb and Bruce Kaplan

Third Best Brief-James Kinyon and Alan Stewart

Fourth Best Brief-Alan Ross and Edward Markarian

Fifth Best Brief-Steve Berkowitz and Seth Sahr

The Oralist Awards were awarded as follows:

First Best Oralist-Richard Gottlieb

Second Best Oralist-Mary Aramini

Third Best Oralist-Donna Hoelscher

Fourth Best Oralist-Susan Helleman

Fifth Best Oralist-Steven Berkowitz

one time or another you've all probably imitated Ringo Starr by pounding on pots and pans, or made funny noises by rubbing a balloon. Von Tiegham has captured that same spirit of fun and experimentation and combined it with years of serious musical study to produce his own brand of music—as he calls it, "A Man and his Toys."

Von Tiegham, who has worked with Brian Eno, David Byrne, and Twyla Tharp among others, is not just a musician, but a showman. He has taken his act everywhere from Carnegie Hall to the Danceteria and the Mudd Club. At Media Study he came out front (I'd say on stage but there was no stage) in a NASA jumpsuit and made music with a table full of kitchen gadgets and toys, a tape loop machine, and synthesized drums. The audience ate it up. When was the last time you saw someone get a standing ovation for shooting a glass milk bottle with a rubber-tipped dart? This sophisticated audience was obviously open-minded to new musical forms.

Programs such as this are great for keeping you on your toes, and broadening your musical horizons. Words are a poor substitute for the musical experience that takes place at such events. To appreciate them, you really have to be there.

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New Moot Boarders

The following students have been invited to join the Moot Court Board:

Sarah Ayer
Mary Aramini
Steven Berkowitz
Mary Breen
Robert Burksy
Michael Connette
Mary Pat Enright
Terry Foster
Marc Garber
Richard Gottlieb
Susan Helleman
Donna Hoelscher
Heidi Juhl-Wiendl
Jeff Kadushin
Bruce Kaplan
Emily Kern

Cynthia Lenkiewicz
Edward Markarian
Richard Moore
Mark Mulholland
Richard Murphy
Fred Reed
Alan Ross
Robert Sant
Stephen Schop
Susan Schultz-Laluk
Scott Segal
Lauren Serper
Alan Stewart
Steven Sugarman
Kevin Szanyi
George Terezakis
Steve Zwieg

Schlegel Praises

To The Opinion Editors:

Whatever may be said about actions taken in the library by some competitors in the Moot Court Board's Desmond Competition (see *The Opinion*, November 9, 1983), and I, for one, would say quite unprintable things if "whatever may be said" turns out to be true, what needs to be said is to note how incredibly hard all the contestants worked for this competition and how extremely high was the quality of the average (not the best, but the average) run of both briefs and arguments. The Moot Court Board, who ran an excellent competition, and all the com-

petitors deserve to be very proud of their efforts and achievements.

Schlegel

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Holtzman Warns Congress To Assert War Making Powers

continued from page 1

Beginning her discussion with the historical roots of the Executive's war-making authority, Ms. Holtzman contended that the framers of the U.S. Constitution clearly intended not to vest all war-making power in one branch of government. This intention was due to a "skepticism of the unilateral exercises of power" by one person which had its origins in the framers' experiences of living in a monarchy.

Ms. Holtzman explained that war-making authority is vested in both the Executive and Legislature by our Constitution, which designates the President Commander-in-Chief of the nation's armed forces, yet gives Congress alone the power to declare war and appropriate expenditures to maintain those armed forces. The framers deliberately divided authority to wage war between the executive and legislative branches of government to make it difficult for the United States to enter into a war. The framers never intended to create a monarch in this country, Ms. Holtzman stated, "not in regard to taxation, not in regard to freedom of rights, and not in regard to the power to go to war."

The War Powers Resolution

The framers' intention to divide war-making authority between the executive and legislative branches was disregarded during the Vietnam war, Ms. Holtzman asserted. She added, however, that former-President Johnson was not oblivious to the shared authority, as evidenced by his pressuring Congress to pass the Gulf of Tonkin Resolution. The Gulf of Tonkin Resolution gave the President the power to send troops abroad to protect American troops who were under attack by a foreign power, which had the effect of escalating U.S. involvement in Vietnam.

Passage of the War Powers Resolution was a clear attempt to prevent another Vietnam-like situation. It was passed in the wake of President Nixon's unauthorized bombing of Cambodia, which continued

for eight months until Congress cut off expenditures. According to Ms. Holtzman, the War Powers Resolution attempts to define how the President can act as Commander-in-Chief by providing that the President can only so act when Congress has specifically declared war or, in a national emergency, in which case the President must report to Congress within 48 hours. The Resolution includes a provision for automatic withdrawal of troops in sixty days if its provisions are not complied with.

The War in Lebanon

The War Powers Resolution has been weakened as a result of America's involvement in the crisis in Lebanon, Ms. Holtzman asserted. President Reagan sent troops into Lebanon to secure the removal of the PLO without consulting Congress or admitting that the War Powers Resolution applied to the situation. On September 29th, one month before the terrorist attack which left 229 marines dead, Congress passed a law specifically declaring that the War Powers Act applied to the situation in Lebanon and allowing the President eighteen months to withdraw troops.

Ms. Holtzman termed Congress' actions very ill-advised: "Why pass a law saying that the law applies? The law is the law," she stated. She further contended that Congress' actions had, in effect, given the President an eighteen-month blank check.

Congress' actions prove that the previous resolve to assert legislative authority over the decision to wage war has eroded dramatically, and Ms. Holtzman voiced concern that the War Powers Resolution's effectiveness as a means of protecting the American public against rash decisions has correspondingly eroded.

The Invasion of Grenada

Ms. Holtzman divided her discussion of Grenada into two parts: 1) the actual invasion of the island to rescue American medical students, which can be seen as a proper exercise of the President's power as

Commander-in-Chief; and 2) the occupation of the island, which Ms. Holtzman contended was improper in the absence of express Congressional authority. Ms. Holtzman called the occupation of Grenada by American troops who were responsible for putting a new government into power "unconstitutional and illegal." She asserted that under the War Powers Resolution, Congress has the power to withdraw the troops within sixty days.

Another problem underlying the United States' invasion of Grenada rests in determining President Reagan's true motive in ordering the invasion. Although the invasion was ostensibly intended only to rescue American medical students, Ms. Holtzman pointed out that the military was not even aware that the medical students were located at two different sites on the island. Further, Ms. Holtzman pointed out President Reagan's statement "I want to restore democracy to Grenada." "If we are going to commit troops solely on the President's say-so, in order to restore democracy, we are going to be involved in very, very many wars," she said.

In response to a question from the audience, Ms. Holtzman added that the welcome given to American troops by the Grenadians who wished to be rescued from their government was no justification for the occupation. Expressing concern for the precedent that might be established if this were considered adequate justification, she commented "The Grenadians like us, so why not set up a new government? What about the next time?"

The Answer: Public Vigilance

In conclusion, Ms. Holtzman stressed that the decision to wage war is too grave a decision for the President, with a handful of advisors, to make alone. Pointing to the system of checks and balances established in our Constitution, she added that the situation today "calls for public vigilance—in the end, that's what will keep our system of constitutional law working."

Death Penalty...

continued from page 4

door bell ringing, Ann, who is cooking, running to it, not even remotely suspecting that she is about to die. Imagine the terror that Ann must have felt that split second after the two men pushed in the door and before she was about to be beaten. Imagine this huge man picking Ann up and punching her repeatedly in the head as she uselessly tried to scream. Then imagine Ann being thrown to the ground and kicked, and then left on the ground in a partial comatose state, crying, bleeding, and in pain.

before because of their proficiency and lack of remorse in the killing of Ann Pfreundschuh.

The reality of this situation requires that these two men be given the death penalty. They do not deserve to live, and society should not be obligated to keep them alive. These men are animals.

Ann Pfreundschuh is dead. Murdered at a time when she was just finishing the foundation part of her life. The animals that killed her did so with malice, intent, and a reckless indifference to human

"The fashion in which Calton and Wright murdered Ann now tells prosecutors that, they plea-bargained too low...and that these two men are violent punks who must have killed before..."

When the two men finished robbing the place, Brown and Wright apparently decided to kill Ann. They put Ann into a chair and tied her hands and feet to it. Detective Vecchi's report indicates that Ann was still alive at this point and was struggling as indicated by the degree of penetration into her flesh of the wire used to tie her. The two then filled a bathtub with water and drowned Ann by holding the chair face down so that Ann's head was submerged. They then left Ann with her head submerged in the water, and her feet dangling in the air, dead.

Lauri came home at approximately 6:15 p.m., 105 minutes after leaving, and found her friend Ann dead.

One must try and imagine how Ann must have felt that split second before being plunged into the water, knowing that she was about to die, and how Lauri's life is changed forever in a way that will enable that scene to become a permanent fixture in her mind.

The two men that committed the murder were found easily, and they confessed. As it turns out, each man has a record of approximately 14 felonies, including armed robbery, assault, and burglary. The fashion in which Carlton and Wright murdered Ann now tells prosecutors that they plea-bargained too low with these guys in the past, and that these two men are violent punks who must have killed

life. There is no other adequate punishment than death.

To those people who espouse the view that one must examine the psyche of an individual before administering punishment, I say that you are part of a societal contribution that legitimizes crime. Furthermore, through your actions, you have contributed to over 50,000 unlawful homicides and 1 million other felonies yearly for the last ten years. The death penalty is needed to insure that the men who killed Ann will be punished for their despicable act in a manner which is proportional to their deed. By giving these two men the death penalty, society will not have to worry about whether those two will ever kill anyone else either in "general" society or in prison.

My indignation and anger at Ann's killers leaves me frustrated. The system will allow these two animals to walk the streets unmolested in a relatively short time. A beautiful, young, talented, sensitive, 21-year-old college co-ed is dead, and society is impotent to serve real justice. This impotence is manifested in the legal profession whose usurpation of the people's will is scandalous.

Ann, I mourn for you because you represent all of us. Ann, I also mourn for us because I think that we are in worse shape than you are.

The Opinion WANTS YOU!!

The Opinion looks forward to receiving contributions from students for the upcoming semester. Express your viewpoint, write for the Opinion. Our publication schedule will be as follows:

Vol. 24 No. 7 — DEADLINE Tuesday Jan. 24 PUBLICATION Wednesday Feb. 1

Vol. 24 No. 8 — DEADLINE Tuesday Feb. 7 PUBLICATION Wednesday Feb. 15

Vol. 24 No. 9 — DEADLINE Tuesday Feb. 21 PUBLICATION Wednesday Feb. 29

NOTE: Due to budgetary constraints, DEADLINES WILL BE STRICTLY ENFORCED.

Marvelous Marvin Outclasses "New" Duran

by Mr. Pudge Meyer

Poor Marvelous Marvin Hagler. People always find some way of saying why he really isn't all that marvelous. The "experts" are content in saying things like "he's one of the best" and "he dominates the division"—but later there will be something about how weak the division is.

This is boxing's dilemma; and it comes into parts. First, there is a mistaken belief that greatness is shown by having many tough fights that have perhaps been won in the later rounds. Maybe our hero has even had to come up off of the canvas. Second, it's difficult to judge greatness when a fighter so thoroughly out-classes his class. It's unfair to say we'd like to see him in a good fight just because he has no trouble beating up on everyone in town.

Champions

Carlos Zarate compiled a record of 50 wins and no losses with 49 knockouts. Pretty impressive. Then one day, he lost. Should that mean the fifty opponents weren't really that good? No. Thomas Hearns sent plenty of fighters to the showers early in an awesome display of power. Then one day, he lost to Sugar Ray Leonard. So Hearns was just a bum, right? No sir.

Zarate, Hearns—let's add Gomez, and the list could go on—they're not the best of all time. But there is a growing number of a group that I call the "Average Great Champion Club." To become a member, you have to win easily almost every time you fight—and

then you have to lose. There also has to be a bit of dirt on you—maybe you can't take a punch, or you start slow, or maybe you can't go the distance. Or the old standby—you have trouble with the lefties.

Poor Mr. Hagler. People are trying to get him to join the club. The only problem is that since his draw with Vito Antuofuermo, Hagler has won all his fights easily—but he can't get in the club because he hasn't lost.

The Hagler-Duran fight had been referred to by some as the mismatch of the year. Even so, I was glad that Big Marv would finally get a Big Payday. I had no doubt that Hagler would win. After all, Hagler is Hagler and Duran isn't Duran—he's a man who lost to Kirkland Laing. Sure, he beat Davey Moore—but young Moore really hadn't impressed anyone anyway...

...The whole boxing world had it figured out. Duran would have to start fast and try to crowd Hagler. In trying to get in, he would find out for the first time what it's really like to eat leather. He'd get hit by a middle weight who throws thunder until someone falls. In a sport that mirrors Darwin's "Survival of the Fittest," Hagler is like the great white shark with a twist—instead of having no natural enemies, everyone is an enemy who, once identified, is systematically eliminated. Hagler's gloves seem to have a radar system; almost every punch finds its mark. Just ask Hamsho. Or Scypion. Or... Duran too was supposed to fall—he couldn't be the man he used to be. And even if he

were, what right did he have getting in there with Hagler? I predicted a TKO in the ninth, and the Fight Father called for a KO in the sixth.

November Fight

I was at the fight on the twelfth of November. To say that there was electricity in the air is to say there's water in the ocean. People were dressed as if for a funeral. It would soon be time to pay last respects to the legendary *Manos de Piedra*.

Poor Hagler. If he knocked out Duran in the first round, the papers would surely read "So what? That was supposed to happen. Hagler is still untested." If it were to go to a decision, or if Hagler were to actually lose, we'd certainly read that Hagler could never been good—at best, a hard hitter in a soft division.

Now that the fight is over, I haven't read the papers. I don't have to; I saw the fight. But not the same one the judges saw. I'm glad those three aren't on the Supreme Court. I don't see how the fight was scored so close. Even the Duran fan to my left was surprised. Hagler by one point? Two points? Being charitable, I could give Duran five rounds. Don't talk to me about even rounds. Judges are paid to say who won; not to say it was too close to decide. If the judges can't make up their minds, let's find others who can.

It proved to be a very interesting fight. Duran's hands were quick; his timing wasn't off. He chose to fight Hagler primarily in the middle of the ring instead of bulling inside.

He never pushed Hagler to the ropes; maybe he felt Hagler was too strong. We saw the new Duran. He's not all that old, and he hasn't taken a lot of punishment. We saw Duran the Middleweight, Duran the Boxer, the Thinker. No flab. Good handspeed. Crisp combinations.

The only problem was that all the combinations hit Hagler's gloves. I never knew you get points for that. Duran also showed fine defensive skills. He was ducking under Hagler's left most of the night. But like most people, Hagler has two hands.

Duran Outclassed

After five rounds Duran was breathing heavily in his corner. Maybe this is why he didn't try to bull Hagler to the ropes—in-fighting is very tiring. And if Hagler was wondering how come he couldn't land The Big One, Duran was busy trying to figure out what to do. By fight's end, Hagler did have a little mouse under his left eye; and he sustained a small cut over the eye in the fourteenth round. But he out-landed Duran three punches to one. He started out a bit cautious, probably to see what Duran would be throwing. In the middle rounds he was switching from southpaw to orthodox, landing short left hooks over Duran's sagging right hand. Duran seemed to let Hagler get off first; but when he responded, Hagler wasn't there.

Duran did catch a second wind. He fought admirably. He even landed a nice flurry in the middle of the fifteenth. He has

redeemed himself. There is no shame in standing in with Hagler and losing. Nevertheless, he was outclassed. He played survival without running away. That's not easy.

Poor Hagler. All he did was what he had to. It was his toughest fight, because he had to work hard. He worked to hit Duran. He didn't get the knockout, but that's okay with me. You'd have to be nuts to think that Hagler isn't as good as you thought he was. Because if he's not, and he barely beat an old Duran, this fight will become a cruel statistic in twenty-five years: "Willie The Worm" Monroe beat Hagler and Duran didn't." That wouldn't do Duran justice. It was a great fight because Duran was ready. But he was Hagler's natural enemy. Hagler, like the great white shark, prevailed as was expected. Marv is at the top of his game—make no cartilage about it. Darwin 1—Duran 0.

Poor Hagler. The judges gave Duran rounds because he didn't get beat up; if it was a close round, give it to Duran because it wasn't supposed to be close. They're trying very hard to put Hagler in the "Average Great Champion Club." Thanks, but no thanks. No clubs for Hagler. No one will say it—Hagler is in a club all by himself.

Poor Hagler. Everyone is his enemy, and he's looking for a friend. Don't look to the judges. "Hey, Marv, great fight. And oh—could you lend me two million until payday?"

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Limited Enrollment

Professional Wrestlers Disappointing Fans

by Mr. Pudge Meyer

(Warning: The following article may contain graphic descriptions of violence. Professional Wrestling—even on paper—may not be palatable to all Opinion readers.)

Fans of all sports pay top dollar to see their favorite teams and athletes perform. These athletes are professionals who command high salaries and sometimes preferential treatment. And perhaps they deserve it.

But perhaps they don't. Professional sports have been under fire recently because drug and alcohol abuse, termed "acute" by one commentator, has apparently become rampant. As perceived by the public, the two teams hit hardest by adverse publicity have been baseball's Kanas City Royals (gaining mention on ABC's *Nightline*) and football's Cincinnati Bengals (sporting early-season suspensions). And the Dallas Cowboys, usually referred to as "America's Team," was dubbed "South America's Team" during a segment on *60 Minutes*. Drug and alcohol abuse is something that all front office managements must deal with. It is not my place to say what action should be taken—whether athletes who come forward with their problems should be penalized or patted on the back, fired or befriended. I'll leave that job to the men who have millions riding on each game. (And I don't mean the gamblers...)

But it is my place to speak out for the fans. Athletes are like any other professionals—they owe a general duty to the public to perform to the best of their ability. That's what they are paid for. A lawyer isn't likely to be found in a local pub the night before a trial. The pilot of Air Force One won't be found sleeping late when the President has to

be somewhere. In the same way, an athlete shouldn't be found on a field, or on a court, or in a ring unless he is 100% ready, both mentally and physically.

It's bad for Sports when athletes don't perform quite the way they should. A professional athlete's life is a demanding one, but it's the profession he has chosen. He has no right to show up at game time, or fight time, at anything less than peak condition, unless the problem is due to injuries.

Ringside

This problem of the ill-prepared athlete has now encroached on the heretofore sacred spectacular known as Professional Wrestling. I was at ringside at the Buffalo Aud. November 1 for what should have been another action-packed, violence-ridden evening. Eight thousand fans paid seven, eight and nine hard-earned dollars to see some of the finest talent anywhere. But by the end of the night, everyone had been disappointed.

The opening match pitted Nick DeCarlo against Big Lats Bradley. DeCarlo was visibly out of shape, while Bradley, a fine physical specimen, had no apparent desire to "mix things up." The result was a boring match; I didn't even care who won.

Tony Garea, the former tagteam title holder and favorite of fans far and near, seems to have forgotten where the weight-room is; or he found the refrigerator. Once known for his dedication to fitness, he has let himself get flabby around the middle. After a few minutes he was heavily winded. His opponent, Frenchman Renee Doulet, was more interested in battling the crowd than tending to the business at hand. Another slow match.

One of the few bright spots of the evening saw the old craft-

ty veteran Butcher Vachon go up against the new sensation, The Tonga Kid. The Kid doesn't look a day over twenty, but his agility and fine knowledge of textbook wrestling make up for his lack of experience. His refreshing style is reminiscent of Antonino Rocca, the flashy Argentinian from days gone by. He finally wore down the Butcher who, at age 54, is approaching the twilight of his career. The pin was registered at 12:54.

An exciting moment in an otherwise sluggish match had Swede Hansen almost getting the mask off the Masked Superstar. He had a few chances, but couldn't get the mask over Superstar's rather large nose. From my ringside seat I did see what appeared to be a silver tooth among the top row of bispicids—photos could lead me to his identity.

The one amazing match was the six-man tagteam. In one corner stood Superfly Snuka, Mr. U.S.A. Tony Atlas, and Rocky Johnson. There was no doubt that this team was well-prepared. Never before has so much physical prowess been assembled on one team. In the other corner, the two Samoans proved to be as vicious as ever. But their third man, Don Kernudle, was the weak link.

At the start, the Samoans managed to trap Superfly in the corner, while Kernudle did

a fine job of distracting the referee. Atlas jumped in to help, but the ref escorted him back to his corner while Snuka was now being choked by all three adversaries. The ref finally broke things up in the corner; and when Snuka managed to tag Atlas, the Samoans backed off. Atlas took things out on Kernudle. When the Samoans tried to jump him from behind, Snuka and Johnson intercepted them with a series of forearms and dropkicks. Atlas, in a display of strenght, pressed Kernudle (265 lbs.) over his head, holding him there before crashing him to the canvas for an easy pin.

In the second fall, the Samoans flung Snuka into the ropes preparing to administer a double chop to the throat. Snuka ducked underneath, rebounding off the far ropes, and caught them with a double-clothesline of his own. But he got hit with a low blow, and things swung the other way. Snuka eventually squirmed over and tagged Atlas, who was immediately met with a flying low-blow headbutt. A silence fell over the crowd as he lay there helplessly while absorbing additional punishment. But each blow nudged Atlas closer to the corner, until he just did manage to tag Johnson, who had been waiting anxiously to inflict some serious damage of his own.

Again Kernudle, the weak link, was pinned.

The biggest disappointment came from Bob Backlund, the current World Champion, who couldn't have trained very hard for his bout with the Magnificent Murraco. He seemed slow, and his timing was off. Murraco, who looked like there was some other place he'd rather be (by that point, so did I) didn't move in to take advantage. Whatever fighting did go on took place outside the ring, and Murraco did send Backlund's head into the metal ringposts a number of times. After ten minutes of non-action Backlund's leg got tied up in the ropes, and he was hanging upside down out of the ring. While the ref tried to free him, Murraco ran out, picked up a chair, and hit Backlund right in the neck with it! The ref called for the bell, and awarded Murraco the decision. I didn't understand how Backlund could be disqualified; he hadn't been counted out.

Bad officiating and sub-par performances dominated the evening. Bouts such as these do harm to the integrity of Professional Wrestling. I demand that wrestlers and all athletes prepare and perform to their fullest.

Pudge's Quick Picks: Holmes unanimous decision over Frazier.

—Basketball Commentary

Turn Off The Tourneys

by Randy Donatelli and Rob Bursky

Now that the college basketball season has once again mercilessly descended to satisfy the seemingly infinite appetite of sports fans, it is time for the critical fan to expose and refute the proposition (held especially by colleges and T.V. networks) that there is no such thing as overkill of the college game.

The NCAA basketball season is still in its infancy, but one can not avoid looking ahead to March when "roundball action" turns into "fastbreak ripoffs." The culprit in this scenario is the post-season conference tournament, a gimmick now employed by virtually all of the approximately two dozen major conferences. To demonstrate its ludicrousness, let's use what are generally regarded as the three strongest circuits in the college game: the Southeast Conference; Atlantic Conference; and the Big East Conference. They all have eight or nine school, each of which plays other schools in their respective conferences twice during the regular season. One would think that a sixteen-game league season would be sufficient to determine the best team, right? Wrong! At the conclusion of this season, won/lost records are discarded and all teams automatically qualify for the post-season conference tournament.

In this tourney, a team need only win three games to proclaim itself conference champs and thereby secure a berth in the NCAA tournament. Since the top three or four

teams in the regular season are usually invited to the NCAA championship tournament, the conference tournaments become nothing more than a means by which "also-rans" can qualify for the NCAA playoffs. Of course, these post-season shams mean megabucks for participating schools and their conferences.

These post-season conference tournaments exist solely to place as many teams as possible from the conference into the NCAA tourney. Simply put, the more teams that qualify from the conference for the NCAA's, the more money the conference makes. That mediocre ball clubs inevitably are invited to the NCAA's is of no consequence. Last year's Big East tournament must have been promoted by one of those con artists you see on Sunday morning T.V. Fans were required to buy tickets in blocks for all the games, meaning that one had no choice but to pay good money for the classic matchup between "powerhouses" Seton Hall and Providence, winners of a total of seventeen games between them all season. Had Seton Hall somehow won that tournament it would have qualified for the NCAA tourney with an impressive overall record of 8-22. They did not win, and the fact that such incompetent teams actually play in a post-season tournament is a disgrace, and an insult to fans who appreciate quality athletic competition.

As is the recent trend in sports, incompetency is rewarded and tolerated because it generates revenue. The climax to this unfortunate

state of affairs will be reached when the NCAA decides to invite all 256 Division I schools to its tourney. Such a format would lengthen the tournament by only one week and would let every school share in the big money. Of course, the post-season conference tournaments would still live on despite their utter lack of significance.

Sports Quiz

College Hoop Quiz

1. Name the last Buffalo area school to win either the NCAA or NIT tournaments.
2. Name the last Division I team that finished the season undefeated.
3. Who is the all time leading scorer in the NCAA based on points per game average?
4. Which of these NBA stars once averaged 20 points and 20 rebounds in the same season as a collegian?
 1. Kareem Abdul-Jabbar
 2. Julius Erving
 3. Larry Bird
 4. Ralph Sampson
5. Name the starting line-up for the 1976 USA Olympic Basketball team.

Answers:

1. St. Bonaventure defeated Houston in 1977 for the NIT title.
2. Indiana, 1976
3. Pete Maravich
4. Julius Erving
5. Phil Ford, Quinn Buckner, Scott May, Adrian Dantley, and Mitch Kupchak.

BUFFALO LAW REVUE

ANNOUNCEMENT

All those interested in submitting skits for the 1984 Law Revue show:

ATTENTION!

Law Revue will be held on Friday, March 2nd, and skits will be due at the end of January.

CONTACT

Erin, Box 194
Jack, Box 71
Jill, Box 188 or
Tracey, Box 132

FACULTY OF LAW AND JURISPRUDENCE
STATE UNIVERSITY OF NEW YORK AT BUFFALO



SBA Passes Resolution Condemning Snow

by Eric Warren

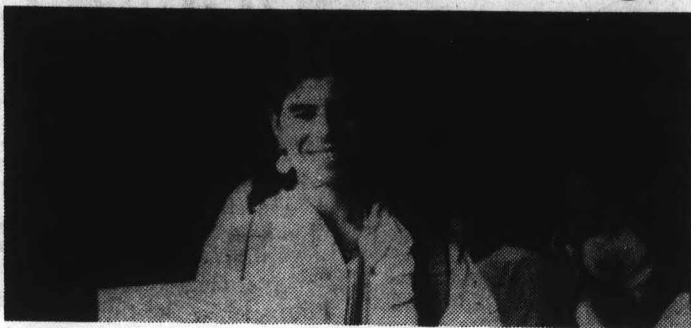
The Student Bore Association (SBA) has passed a resolution condemning snow. The resolution calls for a number of unseasonably warm remedies, and SBA has sent copies of the statement to a number of influential sources.

The resolution attacks the frosty form of precipitation as clearly an illegal infringement on the well-established state right to exercise the police power and promote safety on our highways and by-ways. In the resolution's other conclusory allegations, the supporters condemn snow for "[c]ausing Buffalo Law students to spend their hard-earned financial aid dollars on tire chains and snow brushes in lieu of beer and chicken wings;" "[r]educing freedom of expression within O'Brian Hall by reducing the number of parking spaces within a 90-minute walk thereof;" and "[g]iving prospective employers the wrong impres-

sion of Buffalo as being a barren Arctic wasteland and thus prejudicing them against offering us jobs."

The SBA concludes by demanding a mild winter, immediate roll-back of all snow presently in the ground, and conversion of U/B's winter road salt supply into seasoning for the world's largest beef-on-weck sandwich. (The latter demand was added after a friendly amendment to the resolution, by the Culinary Law Students Association, was accepted by supporters of the main motion.)

Copies of the resolution were immediately run off on the third floor copy machine, despite protestations from Audrey and Myron that the offset machine instead be used. According to principal sponsor Judy "Equitable" Tolling, "This is too important to wait a few hours for the offset man to get to it." Tolling indicated that copies would be sent to God, the National Weather Service, Tom Joles at Channel 7, and,



"Equitable" Tolling displays Snow Resolution

for reasons known only to the SBA, to the *Little Rock* (Ark.) Gazette. Twenty thousand additional copies would be left in the mailroom for informational and scrap paper purposes, she added.

Although the motion faced organized resistance, it passed by a comfortable 14-8 vote. Spearheading the opposition were members of the Ad-hoc Institute of Dippikill Skiers (AIDS). Their spokesperson, SBA Director and one-woman Albany-State-ID-Mill, Ann Burberry told *The Onion*, "Well, like, the weather last

year was, like, real warm and really bummed us out, y'know? We, like, better get some really bitchin' snow this year for our ski trip or, like, we'll we'll have to dip into unallocated to buy ourselves some real bitchin' stuff to, like, get over the bummer."

Individuals opposed the resolution, as well. SBA President Greg Fillerups said, "These guys have no business taking votes on things outside the law school." Although the issue is one that lies just outside the law school—in the parking lots—he was never-

theless adamant in his opposition. "It just sets bad precedent," he intoned. "Why, next they'll be meddling in the internal affairs of some isolated third-world country."

In the end, however, other voices prevailed. Former SBA President Chill Paperno silenced this reporter, who made notice objections and proposed a one-week tabling of the motion, by using an Army-surplus Howitzer that, she said, she "just happened to bring to the meeting in case things got out of hand." Treasurer Rob Insant, once persuaded that President Reagan would support the extension of the Sun Belt to include Western New York, also joined in support. Several members of the Downhill Law Students Association, who came to the meeting to present information on the resolution, were stripped of their DLSA offices pending review of resumes by the SBA Disappointment Committee.



Vol. 5:1

STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF F LAW

December 1, 1983



An Onion's-eye view of inside the mysterious hole: who knows what evils lurk within?

Law School Heads Nuke Path and Lot

by Bea Plaintiff

For weeks the university community has been wondering what is happening in that area in front of the Law School to which the general public has been denied access. *The Onion* has now learned that several weeks ago a nuclear device was exploded there, resulting in a gaping hole and the destruction of the walkway between the parking lot and O'Brian Hall.

This reporter found university officials surprisingly willing to talk about the incident. J. Edgar Eureka, head of U/B Public Safety, though uncertain of who was responsible, speculated that "It was most likely the Physics Department. They've been asking for clearance to use part of the Amherst Campus as a nuclear

testing zone for months now."

After repeated denials by Physics Spokesman Al Einstein, the Law School hierarchy called a press conference to make a surprise announcement—Acting Dean Schlegel admitted the Law School's responsibility for the devastation.

"Yes, we did it," Schlegel said.

When asked why, the Acting Dean retreated to a corner of his office, sat down, crossed his legs, placed his fingers to his temple and apparently fell into deep constructive thought. It was not until an hour later that he looked up.

"Why do you think we did it?" asked Schlegel. "Make the argument."

This was responded to with an icy silence.

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Onion and SBA Vigilantes Clash Over Bottle Cache

by Robert Remedial

The Onion and the Student Bore Association (SBA) are at loggerheads over a major fiscal accountability crisis. SBA has accused *The Onion* of maintaining a cache of unredeemed beer and pop bottles, the deposit value of which was allegedly concealed from the SBA Finagle Committee at last April's budget hearings.

SBA vigilantes have called upon noted valuation expert Michael "Mick the Shaft" Schaeftler to determine the present value of the stash, and a number of them vow to reduce *The Onion's* budget dollar-for-dollar, can-for-can, upon receipt of the valuation report.

Following passage of the weekly "condemn-*The-Onion*" resolution last week, with its unprecedented fiscal consequences, representatives of other student organizations began camping out on the first floor of O'Brian Hall for the chance to share in the expected multimillion-dollar windfall.

Following independent and unbiased investigation by a team of *Onion* reporters the following facts came to light. It appears that *The Onion* began accumulating its treasures even prior to the passage of New York's Bottle Deposit Law. So large has the cache become over the years that no *Onion* staffer was

enough of a self-starter to count them up, much less bring them back to Wegman's. Asked to estimate the current value of the pile, the present members of *The Onion's* Auditorial Board, who were busy adding empties to the pile, were incapable of comment.

The fiscal improprieties came to light when several *Onion* editors reported the existence of the stash to SBA. Crusading SBA investigators, armed with aluminum and glass detectors, skillfully picked the lock on *The Onion's* door and marvelled over the

thriftiness and thirstiness of staffers of years gone by. Lead investigator "Chief" O'Hara took pictures of the scene, but none of them came out.

Confronted with irrelevant hearsay, inadmissible evidence, *Onion* staffers had no choice but to stonewall the investigation. "We didn't start that collection," *Onion* spokespersons Moe, Curly, and Larry asserted. It's not our fault that our predecessors were heavy drinkers."

Ultimately, however, the fearless journalists were forced to admit the existence of the stash. They proposed turn-

continued on page 3

Schlegel Goes Lateral

by Doug and Wendy Weiner

The Onion has just learned that Dean John Henry "you don't know what's good for you" Schlegel has been offered and has accepted partnership in the New York City firm of Cleary, Cahill, Skadden, Kaye, Dewey, Truman, Capote, Merrill, Lynch, Crosby, Stills, Sacco and Venzetti. The firm, which emphasizes its small-town, personal approach, made what Schlegel called "an offer I couldn't refuse."

C.C. & S Hiring Coordinator Graham Gopher said the firm first learned of Schlegel's talents in last spring's New York Times Magazine expose of the pitfalls of legal education. "It was obvious he had

had it up to you-know-where with academia," Gopher said. "We just couldn't pass up hiring a man who led off his magnum opus law review article by saying, 'Toto, I don't think we're in Kansas anymore,'" he added.

Schlegel has been put in charge of the firm's active anti-public interest department, where he will supervise a veritable corral of associates from fancy law schools around the country. He has also been appeared in his wish to have "Schlegel" inserted in the partnership's name. According to Gopher, "I think we're sticking him between Capote and Merrill—we just didn't want to break up the sets."

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Auditor-in-Chief
Arthur Andersen

Managing Auditor
Pete Marwick

News Auditor: Arthur Young
Feature Auditor: Touche Ross
Photo Auditors: [Vacant since 1980]
Business Mangler: Price Waterhouse

Staff: Anonymous

Contributors: Anonymous

© Copyright 1983, Onion, SBA. This issue of *Onion* was done in fun. We hope everyone takes this issue in the manner in which it was intended. References to real persons are purely coincidental, except in the instances in which they were intentional. WARNING: The Auditors have been advised that their student loans are non-dischargeable in bankruptcy and that their lender-creditors will have priority status through the year 1994. To potential libel plaintiffs who may be offended by the contents of this issue, we say, "Get in line."

Auditorial

(Speak, Fend, Aim) For Yourself

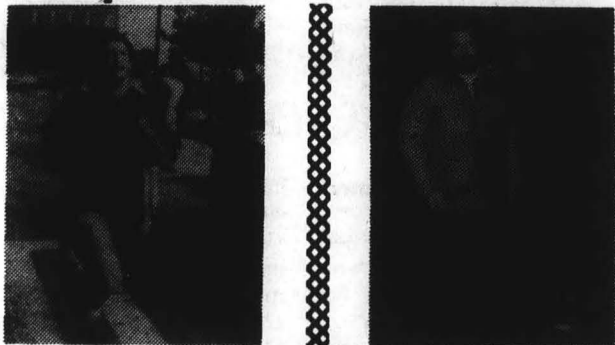
In the interests of justice and fairness, the editorial staff of *The Onion* presents this "Do It Yourself Editorial" for your creative pleasure. Just choose one or more of the suggested words or fill it in yourself:

On (date) , 1983, the Student Bore Association (SBA) _____ (passed a resolution, allocated money, adjourned till summer, voted *The Onion* out of existence). We at *The Onion* _____ (support, condemn, don't give a shit about) this action. It can only be described as _____ (silly, super-duper, peachy-keen, an affront to the American way, an attack on motherhood and apple pie). We consider the SBA to be _____ (out-of-line, in-line, by-line, frontline, underline).

We do not take this position _____ (lightly, heavily). What the SBA does is of great importance to _____ (the student body, itself, the Buffalo Bisons, the Sweet Home High School Marching Band, Greg Fillerup's illegitimate children, the pirates of the Caribbean). Let's face it, the SBA is nothing more than a _____ (lying, stealing, crying, God-fearing, Godless) bunch of _____ (bedwetters, communists, capitalists, slimebuckets). If it weren't for the fact that the SBA allocates our budgets, we would also call the members of the SBA _____ (mealy-mouthed, ne're-dowells, self-serving, mothers). Knowing which side our butter is breaded on, though, we will make no such accusations. Suffice it to say that the SBA is made up of _____ (left-handed gerbils, Marxist Revolutionaries, Lords of Lechery, foreign subversives, domestic subversives, friends of Dave Cass, Somalian drug addicts).

In conclusion, we ask the SBA to deliberate only on issues it is _____ (authorized, insanely deluded, told by Schlegel, moved, bribed) to consider, such as _____ (the merits and demerits of oral sex, life in sub-Saharan Africa, the life and times of the Dodo Bird, whether pigs have wings, intricate strategies of the game of dodge ball, whether the Buffalo Model is a religious experience, what comes between Schlegel and his jeans).

People in the News



Alleged *Onion* staffer Jud Prof. Paul Spiegelperson waits, "William" Weiksnar rushes to get bags packed, for *The Onion* to do a Meet-the-Faculty interview into Schlegel's Sales & Secured

Onion Recruiting Auditor I.B. Ghoul types keg order for the Spring Recruitment Party

A Few Minutes With...

Paradise Lost to Head Wagging

by Andy H. Runey

The life of a student of the law often seems to be one of answering questions—whether it be in class, for Moot Court, or on a final exam. Well, I have some questions of my own that I want some answers to from all of you by the time we get back from Christmas vacation:

1) Whose idea was it to build the new School of Management building so close to the Law School? I'm glad I'm not the one responsible for the safety of that building and its occupants. Don't they realize that John Lord O'Brian Hall is teeming with violent revolutionaries just itching to overthrow most of the civilized world, and that a basically defenseless School of Management would be an easy first target? I really wish that the powers-that-be would come to me before making decisions like this.

2) What the hell is wrong with the New York Jets? Why is it that the greatest football team in the world can't even manage putting together a winning record? To make things worse, the second greatest football team in the world, the San Diego Chargers, is wallowing in last place in its division. My only real hope is that the Oakland (that's what we still call them in California) Raiders come through for me and beat the Dallas Cowboys in the Super Bowl. I hate the Dallas Cowboys.

3) Why is it that on the first floor of O'Brian Hall there are doors between rooms 109 and 108, but there are no doors between rooms 108 and 107, or between rooms 107 and 106? Is there something in room 107 that isn't supposed to get out except through the hallway? If so, what is it?

4) Who's responsible for the purple pit? And who's Spiegelman trying to kid with those pictures he's been hanging up in that room? We all know that he does them

himself.

5) Is anyone ever going to fix the broken urinals in the men's restroom across from the entrance to the Law Library? Or are they just going to wait until they all break and then close the place down?

6) What does that white stain on the blackboard in room 109 supposed to be? My guess is that it is either representative of the Buffalo Model or Schlegel's brain waves. Since I'm the one asking the questions here, though, you're just going to have to come up with your own answers.

7) Are all those things they say about Al Katz really true?

8) Why is it that more people go into Schlegel's office than come out?

9) Why was man born to suf-

fer and to die?

10) Or more simply put, why was man born?

11) Actually, the only question really worth considering to any great degree is: Why?

Some might think that to make such inquiries is dangerous. As Aphra Behn wrote in *The Lucky Chance*: "Too much curiosity lost Paradise." Nevertheless, these questions must be answered. They have remained unanswered for far too long. My own thinking on the matter is more in line with a thought from *Romola*, a work by George Eliot: "If there are two things not to be hidden — love and a cough — I say there is a third, and that is ignorance, when once a man is obliged to do something besides wagging his head."

Letter to the Auditors

Turk talks Bananas

To the Editor:

I can't believe it. At midnight last night, I received a phone call from a highly-placed Administration official. He wished to disclose the real reason we invaded Grenada, and being a responsible citizen, I must pass on this information. I have become privy to Ronald Reagan's fears of—The Great Banana Embargo.

With memories of the 1973 oil stoppage fresh in his mind, Reagan moved quickly and decisively against leading banana republics to impress upon them the necessity of a constant banana flow. My well-informed source told me that the Organization of Banana Exporting Countries (OBEC) had planned to embargo the entire free world of this wonderful fruit. The President made his move to avert the catastrophic effects the free world would surely suffer.

In what will soon become known as the Chiquita War, we

have found it incumbent upon ourselves to curtail this shortage, and eventual glut, of surplus fruit. One can only hope they have the decency to refrigerate. The eventual release of millions of black, overripe bananas may be more than I can handle.

My source has indicated that the decisive moment to invade was made two nights prior, when the President awakened in a cold sweat. He had dreamed of a half million people standing on Pennsylvania Avenue singing, "Yes, we have no bananas..." This was the deciding factor Reagan used to commit our troops to war. Surely he knew Congress would support him.

My source, Reagan's top advisor on this matter, has permitted me to use his name so that he receives the full credit for these disclosures. Here's looking at you Bonzo, you won't go hungry this winter.

Turkey Ericwitz

Don't Mind Me

Model Solves Energy Crisis

by Rod Tubin

Those who have taken Professor Meidinger's Natural Resources class are familiar with the issue of inter-generational resource management—or whether the current generation should leave future generations with energy or knowledge. All great civilizations have consumed large quantities of energy. The energy consumption is necessary in order to produce surplus food, which in turn creates leisure time, education, and thus knowledge. This knowledge is then used to devise ways of producing and consuming more energy, and so on *ad infinitum*. The question which cannot be answered is whether future generations would prefer to be left with energy or knowledge.

Of course, students at SUNYAB Law School have already answered this question as it applies to their own lives, and have chosen knowledge over energy. We have foregone

the option of being productive, and have invested large quantities of energy (i.e. food and money) in order to gain knowledge which we hope will produce more food and money. In our effort to obtain the maximum amount of knowledge for the minimum expenditure of energy, we have chosen to attend SUNYAB Law School.

Buffalo stresses alternative and creative approaches to producing legal knowledge—a fact which cannot be said about more traditional schools. The prevailing trend at most universities is to treat legal education as a finite, non-renewable resource. Students are taught old doctrines and unrelated bodies of black-letter law. In order to make room for new information, these antiquated doctrines die in the mind like fallen redwood trees. They are then buried deeper and deeper by succeeding courses, and under great pressure form deposits of fossil fuels

equivalent to oil and gas. Thus, traditional law school graduates leave school rich in mental energy. However, this energy is non-renewable. Once tapped it cannot be replaced, and the poor graduate is left without the ability to create more knowledge on his own. S/he will undoubtedly experience and "energy crisis" later in life when his/her supply of legal knowledge is exhausted, or when the legal technology changes.

The faculty at Buffalo refuse to fall into the same trap of producing non-renewable legal minds and have, instead, concentrated on three methods of legal energy production. These are fusion, recycling, and passive energy utilization. The fusion theory of legal knowledge production is both the most sophisticated, and the most simple. Its foremost proponent is Acting Dean Schlegel, who is attempting to do for law what Einstein failed to do for physics—discover a

continued on page 4

Faculty Fashion Verdict Is In: Eggs Among Tres Chic

by Wendra St. Claire

As the weather outside grows nipper, and Yves St. Laurent's mind turns towards the Spring Collection, moi thought to take some time to discuss a topic near and dear to moi's heart: faculty fashion.

Yes, some of you ladies and gentlemen may be mumbling under your breaths that the phrase "faculty fashion" is a contradiction in terms. Au contraire, mes chers. Vraiment, there are a few bad eggs that spoil the bunch, but there are also those who can be said to be tres chic. And nothing brightens moi's day more than to sit in a classroom where the professor in not only well informed, but more importantly, well dressed.

Some instructors at this institution, alas, are well known to be simply out of sync with the fashion world. Mr. Al Katz may be nearer to God than we, but he is not nearer to Pierre Cardin. Further, while a single earring may be de rigueur in certain circles, I shudder to contemplate what John Molloy would say. On the bright side, Mr. Katz was actually in the forefront of the suspender revolution which has captured the fancy of corporate executives nationwide.

Turning moi's attention to another sorry example, it grieves moi to note that John Henry Schlegel is simply not sartorially splendid, nor nattily attired, despite his charming bow ties. Gentlemen: I regret to inform you that the "dressing down" which was so popular in this country during the 1960's as a romantic gesture of solidarity with the underprivileged, is simply passe.

As you may have gathered from moi's previous comments, what one wears is also, important symbolically. For many a day I have pondered the question "how does Mr. Kenneth Joyce choose which color LaCoste sweater to wear?" Having kept track of this important statistic since the weather began to grow chilly, moi can inform you that he is twice as likely to wear the red sweater with the blue alligator to class on any given day than the green or navy blue one. Further, he's three times as likely to wear the green alligator sweater on any given Monday than the mustard-hued one. Once, he did confound moi by wearing no sweater at all to class (tho perhaps he left it in his office) and by presenting himself in a quite becoming burgundy pinstripe shirt.

Most faculty members who are neither elegant nor defiantly tacky can be classified in some way or another as preppy. While moi has heard Miss Betty Mensch termed "hippie" by some, in moi's opinion she looks like a graduate student at Vassar in her corduroy jeans and sweaters. And George Zimmerman, eschewing the dressed-for-success uniform, favors handsome herringbone tweeds, beautifully set off by snowy-white, button-down-collar oxford shirts and two-toned

striped ties in muted colors. (While it may appear from a distance that Mr. Zimmerman has taken to sporting a pocket hankie, in reality he merely places his eyeglass case in his upper right-hand pocket.)

Moi has saved the best dressed examples for last. To Mr. Charles Carr and Mr. Howard Mann must go the joint honors of Best-dressed Law Professor. Mr. Carr's practice of placing a fresh bloom in his buttonhole each day is one that I truly admire. While he favors black suits during the winter months, moi must note that he looked particularly fetching in late August, attired in a linen suit with a pink rose in his buttonhole. Perhaps a red silk cummerbund would be just the thing with his black suit, white shirt and bow tie combination. And to Howard Mann, long respected symbol of fashion consciousness at the U/B Law School, moi sends moi's deep appreciation. Mr. Mann is nothing less than splendid in his three-piece grey suits, nicely accessorized with gold pocket watch, reminiscent of gentler times when a man did not set foot out of doors sans chapeau.

★ FASHION NOTES:

While on the whole our professors are fairly well dressed in blazers and casual slacks, there are little touches of individuality, for instance Paul Spiegelman's comfy shoes, or the pure whimsy of Lee Albert's green tie. Honourable mentions must go to Paul Birzon, for his quiet elegance,

(although moi has never seen him, moi is relying on his reputation for fashion in the community) and Virginia Leary, for sensible good taste. And lest I forget, the warm, comfortable sweater look, which won Dan Rather higher ratings, is exemplified by David Engel and Michael Schaeftler.

Hearsay: Cat's Out of the Bag

by Nita Loya



Sporting the latest of Carnaby Street, our very own Sir "Dean" Headrick plans his next move.

SCOOP, darlings, on the newest arrival in the Art World of Buffalo. He may be an unassuming law professor by day but in his spare time he executes some of the most daring photos of Buffalo's sweetest. Now, after years of self-imposed artistic seclusion, A.K. will be opening up his tres chic Allentown pad to tour groups, proceeds to benefit the Larry Flynt Legal Defense Fund. A.K. will guide bevies of curious femmes (I will most certainly camp out the night before la Grande Premiere!)

through the nooks and crannies of his photos—OOPS, I mean apartment—explaining his style extraordinaire and technique tres chic. Look for a review by our art critic, Minnie Minimalist, in columns to come.

Try as he might to deny it, N.O. seems destined to star in his very own early morning exercise-and-diet television program, "Corpus Delectable."

Never-before-seen calisthenics and recipes will be shared with all a.m. tube groupies who dare dial in. Rumor has it that A.C. will co-host the show, providing cheers of encouragement to the host and chopping vegetables when needed. 'Rear development, anyone?

P.B. and C.C., your Nita has discovered, have just opened Le Beau Geste fashion boutique on the sizzling Elmwood Strip. Just a modest joint enterprise, they claim, but surely they jest! Givenchy, Blass, Klein and Armani flew in especially to sip the vintage champagne and gut the satin ribbon in celebration of this much-awaited clothier au courant. Le Beau will

specialize in personalized tailoring and boutonniers, but nary a sock will be stocked.

The last item I have for you darlings this week is on a more educational (say not so!) note. In a never-before-imagined U/B Law first, I.M. will offer to the public her rave encounter-group extravaganza entitled "Constitution and Genitalia." Scheduled for this coming (OOPS) upcoming weekend, when students and faculty alike will be at the peak of their intellectual and physical frustration (what with this nasty semester all but over), I.M.'s mini-course will address such areas of interest as shoulders, temples, lower back, and calves (hopefully with some delicious detours in between). In an effort to encourage male enrollment in this encounter (boy-girl-boy-girl is much more exciting!), special male guest instructors have been enlisted. H.M. will offer a special workshop in "Ageless Erotica," while D.E.'s imprimatur will be on "Non-tortious Nibbling," and P.S. promises a glimpse into his special "Plaintive Pulsations." See you there, darlings.

Onion and SBA Clash Over Cache

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ing the bottles and cans over to a joint "Onion-SBA Trash Bucket" and to split the proceeds with whomever took the empties back to the store, but extremists rejected this proposal and instead called in Mick the Shaft.

It is quite possible to estimate the curvewent vavue of the accwued weiceivables," said the SBA expert. "By capitawizing the watio of number of cans to the pwice of awuminum and gwaß, we can pierce The Onion's whale and have their buget weduced even before final exams are over."

Other faculty members expressed similar sentiments. "It's an outrage," said Professor Ken "Get 'Em Out By Christmas" Joyce. "How could anybody leave so many of them around their office for so long without doing anything with them?"

Professor Virginia "There Is A Santa Claus" Leary was more direct. "They have clearly violated international law," she asserted. (Onion guzzlers would not deny that most of the empties in question were, in fact, Labatt's; the United States, however, is not a party to the 1983 Great White North Treaty which requires Canadian empties to be cashed in within six months of their pur-

chase.)

With The Onion's budget sure to be cut in whatever amount Mick the Shaft recommends, dozens of student organization representatives, smelling the filthy lucre from several stories down, began to line up outside the SBA office.

First in line was Jacques Itch, president of the Male Law Student's Association. This newly-chartered student organization is seeking, Itch said, to achieve funding parity with its sister organization, AWLS. "We're trying to get Larry Flynt to speak to us," Itch said. "He's on the lecture circuit, explaining his role in the DeLorean case, and he really wants to bring his act to Buffalo." Flynt reportedly calls his first-amendment presentation "Spread Eagle in the Eyes of the Law."

Another early comer represented the Schlegelized and Apathetic Majority of All Law Students Association (SCHLAMALSA). The spokeswoman, who did not care to give her name, said her organization would seek to obtain funding to send all its members to a convention in Puerto Vallarta over intercession (entitled "How to Lobby a Student Government for Money"). She admitted, however, that her membership

could really care less if they got to go, and that they were honoring their namesake Schlegelship by "making the argument."

A contingent of Buffalo Flaw Review associates were busy planning a rotation schedule whereby each spent three hours a week holding the Review's place in the line. Editor-in-Chief Ken Schnapps assured The Onion that it would put the funds to good use. "We're going to be the first law review in the U.S. to print an issue full of stream-of-consciousness prose and poetry," he explained. (In an aside which he imprudently attempted to make off-the-record after he uttered it, Schnapps added, "It's really just the Mensch issue.")

Mute Court director Dan Peas was asked to confirm whether his organization planned to use its share of the windfall for sponsorship of the First Annual Toxic Waste Regulation Advocacy Competition, reportedly at the site of the 99th Street School in Niagara Fall. Peas would not comment on this or, for that matter, on anything else.

Representatives of the Irrational Law Society were expelled from the line after other liner-uppers complained of the small of the vodka and pickles. In protest of this unconstitutional exercise of the police power by AMLS and SCLAMALSA, the ILS contingent started their own line outside The Onion's office.

Home, Sweet Home



The SBA "Lost in Space" committee unveiled its proposed new headquarters for The Onion. According to chairperson "Chief" O'Hara, "Now you guys can have hot and cold running journalism."

The Enemy You Love to Hate: Would You Believe the USSR?

by Francis Buttinski

They're our pre-occupation. They fill in the gaps in TV programming between the daytime soaps and the nighttime dopes. They're brutes; the all-purpose fall guys. They're the Russkis.

For better or worse—they seem to have put themselves there. They are one continuing global public relations disaster. They shoot down a Korean airliner and then don't even offer refunds or discount coupons. They attempt to handle the Polish situation and it puts them in a hole deeper than Chrysler or Tylenol ever imagined.

The Russkis definitely seem to be on the downside. They seem to be getting the hang of good grooming when they brought in white-haired, gentle-looking Yuri Andropov to replace everybody's heavy, Leonid Brezhnev. Then almost immediately, Andropov becomes deathly ill. With Andropov they showed a sign that they were getting media-wise. They probably thought, "Hey, the U.S. has Reagan, we need our own Mr. Amiable. Brezhnev was OK with Nixon around, but nice is in." Too bad, looks like their nice guy is out (maybe it's in their air).

Perhaps the Russkis will never achieve that winning media image. And for this they may have only themselves to blame. First off, they start out by building their roofs in the shape of onions! That's too "San Francisco" to seriously appreciate. Then they force us to have air raid drills and build bomb shelters. Let's be serious! A bomb shelter in every yard?! Nice place to sleep-out, but I wouldn't want to live through a war in one. And school air raid drills. You and your first-grade classmates engage in precision drills of falling onto the floor and under your desk. This, in addition to the prospect of spending weeks or months in your school's makeshift bomb-shelter, a.k.a., school basement. You knew that if this ever happened—spending weeks or months with your classmates in the basement—the result would be sweet chaos. It made the experience one worth half-wishing for, particularly during winter. But the bottom-line for the Russkis in all of this was that they came to be perceived as a cross between Karl Marx and the Marx Brothers.

The Space Race did nothing to dispel this hybrid Marxist image. Why were they and ourselves racing to the Moon? Was it going somewhere? What was so hot about this dust bowl in the sky? Not much scenery. Good thing the astronauts brought their golf clubs with them.

Then the Russkis go and invade Afghanistan. Afghanistan?!? Why would anyone in their right mind bother? It's a barren, wind-swept, mountainous no-man's land. What is it they have to gain—Afghan dogs and rugs? What else was there? Geez, if they needed some dogs and rugs, why didn't they just ask?

A floatilla could have been organized. Telethons could have been held. How about it—Pooches for Peace.

It's alarming to see this going on right here in the twentieth century—the one and only Modern Age. But then as Arthur Clarke said: "The future ain't what it used to be." Perhaps the Russkis' problem

is that they seem to have an all-male club at the helm. Where are the Russki women? They can't all be at gymnastic practice. Why not make a trade with the U.S. for some top females. How about a female weightlifter for Barbara Walters—even Steven. Then we can all settle down to the important things in life.

Nuke the Lot...

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"Well I'm not going to tell you anything," Schlegel said.

This reporter next approached Al Katz. After being assured that I was not there to ask him about my criminal law final from a year ago, the question was put to him—why did the Law School hierarchy nuke the empty lot in front of O'Brian Hall?

"To answer your question, the reason that we did it has to do with virtue and authority," said Katz.

To that response he got nothing but a questioning glare.

"The unity of virtue and authority within the metaphysical world of moral turpitude, order, continuity and sovereignty allows for the source, whether god-given or evil, to decide between guilt and innocence."

This reporter attempted to elicit a more lucid explanation.

"We can nuke whomever we goddamn well please," Katz responded, finally saying something comprehensible. "If you want to know more about the virtue part go talk to Freeman."

"Let's make this quick," Freeman said. "I'm off to Central America to join my compatriots."

Freeman was asked what the nuking of an empty lot has to do with virtue.

"Well," he said, "we actually missed our intended target. We were really attempting a surgical pre-emptive strike on the new School of Management building."

This reporter asked why.

"Isn't it obvious? If they're going to put a building there, it should be given to Tolstoy College, not the evil capitalists. They already have enough stuff. As for who authorized it, the entire administration, faculty and staff were consulted and we all agreed that it had to be done. Everyone here is very unhappy that we missed."

A poll of the Law School community showed general support for this statement. "There was no fallout from this," said one professor. "We all realized that we would have to go through with it sooner or later."

There was a lone dissenter, though, in Michael Schaeftler, who commented: "They tried to pierce the cawpawate whale with their wittle bomb and they failed!"

Damage resulting from the blast appears to be minimal. Public Safety's Eureka confirms this: "The weapon seems to have been detonated in the wee hours of the morning when no one was in the area. And since no wildlife can exist in Buffalo anyway, it does not seem likely that the radiation will have any long-term effects on the environment."

If anything, this rather extreme action taken by the School of Law might very well benefit U/B. University President Steven Sample, commented, "It will actually save us some money. We were planning to put a building there anyway. Now we won't have to dig the foundation."

Buffalo Model Solves Energy Crisis

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unified field theory which underlies and explains all legal doctrines. The potential value of such a discovery is unlimited. When finally understood and properly applied such a theory could be used to create unlimited amounts of legal energy.

Physics of Law

Under Schlegel's Theory, energy is released when two traditional doctrines of Contracts and Torts are fused together forming a "Contort," the basic building block of all human interaction. The concept of a Contort had great legal utility and will be invaluable to future U/B graduates if they find employment. One recent exam question illustrates the practical nature of applying this new theory to resolve common disputes which are not satisfactorily handled through application of traditional doctrines:

A masochist meets a sadist

who agrees to beat the masochist for five dollars. Upon entering a room the masochist pays the sadist, falls to the floor, and pleads "Beat me, beat me!" Whereupon the sadist yells "No, no!", laughing as he runs from the room. What action under contract? Damages? Specific performance? What action under tort? Emotional harm? Pain and suffering?

By solving relevant and provocative exercises such as the one above, students at Buffalo become skilled in creating legal resources necessary for facing the legal challenges of tomorrow.

Legal Recycling

The second method of producing energy at Buffalo is the practice of using and re-applying old and forgotten legal doctrines. This method had proved invaluable in light of the thousands of available discarded doctrines which, because of rising legal costs,

have become viable in terms of recycling. Evidence of the growing use of recycled doctrines can be found in California, a state known for recognizing and applying unusual legal theories of seemingly little merit. Especially valuable in amending pleadings, the use of discarded doctrines is a mark of a resourceful Buffalo Model lawyer.

One faculty member explains the value of such doctrines this way. "When a doctrine dies it decays and emits methane in the process. The law industry had always run well on a supply of natural gas. However, it is only recently that we have had the abundant supply of freshly dying doctrines to supply gas in large enough quantities."

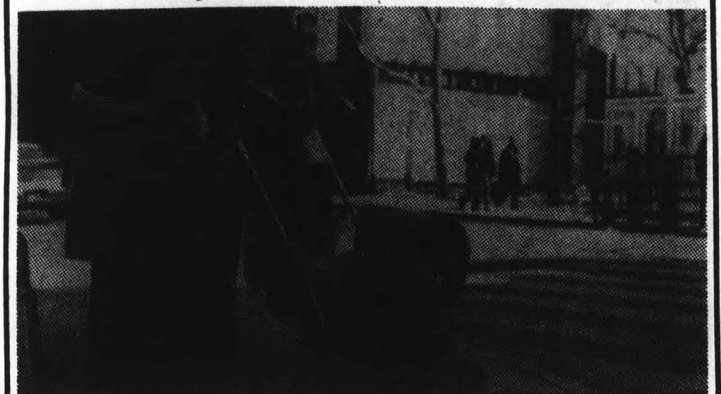
Passive Energy

The final method utilized at Buffalo to create legal knowledge is the so-called "passive system." This system

is akin to the use of the sun's rays which are converted to electricity through the use of photo-voltaic cells. By an analogous process, a U/B Law student, when exposing him/herself to the Law School, absorbs enough legal knowledge to produce energy. This method is also employed by various faculty members with varying degrees of success. The important thing to remember is that this form of knowledge production is totally passive, and as such does not require participation in classes or reading beyond an occasional outline.

There are drawbacks to this method of legal education, however. Just as solar energy will probably never replace more conventional forms of energy production, this passive system of knowledge production is supplemental at best. Students using this method are advised to develop backup systems to provide additional knowledge should the passive system fail.

Schlegel Goes Lateral



At press time, candidates for the office of Acting Dean had begun to queue up outside O'Brian Hall.

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Gopher would not reveal Schlegel's new salary, but he hinted that "Jackal Fleshman's payroll computer doesn't go that high."

Dean's Wars

Schlegel's sudden departure (on People Express Flight 500 at 5:50 this morning, according to his travel agent Laverne) has thrown the third floor of O'Brian into more than the usual chaos. Sir Thomas Headrick, reached by remote telephone from the Christ Church College meadow at Oxford, conferred (with livery of seisin) the title of Acting Dean on Schlegel's eldest lineal male descendant pending vote of the faculty. That vote, however, is reportedly several weeks away, as the faculty factions have already developed in an effort to determine the course (if any) of the Faculty of Law and Jurisprudence over the next six weeks.

The fight is essentially one between O'Brian fourth and fifth floor faculty members, though some of the sixth floor Clinic instructors (and reportedly a seventh-floor economist or two) have also joined the fray. Members of the fifth floor faction have taken the lead of Professor Charles "Lancaster" Carr and have begun wearing red roses as a symbol of their Sensible Part platform. Not to be outdone in Shakespearean imagery, supporters of the Silly Party contingent on the fourth floor (led by Fred "Lord York" Konefsky and "Lady Di" Avery)

have adopted the white rose as their symbol in this academic war. Sir Headrick has secured the services of the Royal Shakespeare Company in choreographing the battle which is to ensue.

Each faction has already begun charting its own Revision of the Buffalo Model, and students will have to choose which of two sets of Spring 1984 courses they wish to register for. Sensible Party faculty have proposed courses in "Ambulance Chasing," "Torts and Bankruptcy in Context," and "Adjectives and Verbs in Subchapter S of the Internal Revenue Code." Silly Party supporters will choose among "Aborting," "The Politics of Pooh" (to be taught by Profs. Freeman and Mensch), and "Property and Capitalism: Myth or Legend?"

Both factions are holding out for an offering from Professor Mann, who in an exclusive interview with *The Onion* promised to accommodate both factions by offering "Con Law IV (A)" and "Con Law IV (B)" in Spring. "No one will ever know the difference," Mann remarked.

Schlegel, reached at considerable expense by a roving *Onion* reporter who took the next flight to meet him at Club Med, was asked to comment on the developments since he threw the Law School into turmoil. "What's your bitch? I was going crazy in that job—decision, decisions, decisions every which way. Now I'll be able to put all that law in context."